

MICHIGAN FARMER'S TRANSPORTATION GUIDEBOOK

This publication is based on Michigan state statutes, including the Michigan adoption of the Federal Motor Vehicle Safety Regulations (FMCSR). State statutes referenced in this document include:

- The **Michigan Vehicle Code** (MVC, Act 300 of 1949, as amended);
- The **Michigan Motor Carrier Safety Act**; (MMCSA, Act 181 of 1963, as amended); and
- The **Michigan Motor Carrier Fuel Tax Act** (MMCFTA, Act 119 of 1980, as amended).

All Michigan statutes can be viewed, printed, and saved at www.michiganlegislature.org. Some counties, cities or townships may have additional laws on use of local streets or roads.

This publication is for educational purposes only and does not attempt to substitute for or directly quote the laws referenced herein. Although it is intended to keep this document current, these regulations are constantly being revised, so readers are cautioned to consult the actual regulations for compliance. This document does not address all of the regulations, but does discuss those regulations that seem to generate the most questions and concern among farmers. This document may be reproduced without prior permission.

The Michigan Farm Bureau contributed to the development of this guidebook.

SOURCES OF INFORMATION

The Michigan Trucking Association: 517-321-1951 or www.mitrucking.org
Copies of Michigan and Federal laws, forms and documents, etc.

The Michigan Center for Truck Safety: 800-682-4682 or www.truckingsafety.org
Truck Drivers Guidebook, Questions answered, Training, etc.

The Michigan State Police Motor Carrier Division: Contact your local state police post or www.michigan.gov/motorcarrier

The Michigan Department of Agriculture: 800-292-3939 or www.michigan.gov/mda

U.S. Department of Transportation, Federal Motor Carrier Safety Administration: 202-366-1790 or www.fmcsa.dot.gov

FMCSA Violation Hotline	888-368-7238
Safety Ratings/USDOT Numbers/New Entrants	800-832-5660 or www.safersys.org
Medical Waivers	202-366-4001
Hazardous Materials Hotline	800-467-4922 or www.hazmat.dot.gov

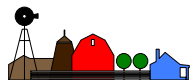
VEHICLE AND DRIVER STANDARDS

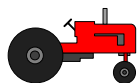
General

Michigan has adopted the Federal Motor Carrier Safety Regulations (FMCSR) and the Federal Hazardous Materials Regulations (FHMR) into state law. Compliance with these regulations is required unless a specific federal or state exception exists.

Intrastate: When a load originates and ends within the same state without crossing any state or federal boundaries during shipment.

Interstate: When a load originates in one state, and crosses in transit, or ends across another state or federal boundary.





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Commercial Motor Vehicle (Intrastate: Act 181):

- Designed and used on public highways to transport passengers or property;
- Has either a gross weight rating or actual gross weight (single or combination, including load) of 10,001 lbs. or more;
- Is designed for carrying 16 or more passengers, including the driver;
- Is used to transport hazardous materials in an amount that requires placarding.

Commercial Motor Vehicle (Interstate: FMCSR):

- Designed and used on public highways to transport passengers or property;
- Has either a gross weight rating (single or combination) of 10,001 lbs. or more;
- Is designed for carrying more than 15 passengers including the driver (not for compensation);
- Is designed for carrying more than 8 passengers including the driver (for compensation);
- Is used to transport hazardous materials in an amount that requires placarding.

As used above, "for compensation" means transportation for-hire. "Not for compensation" would include transportation of employees or contractors in the furtherance of the business or farm.

If the vehicle meets one of the above definitions, then it must comply with the Federal Motor Carrier Safety Regulations (FMCSR), unless excepted.

Farm Vehicle Driver:

Farm Vehicle Driver is a person who operates a commercial motor vehicle that is:

- 1) controlled and operated by a farmer, their employee, or family member;
- 2) being used to transport agricultural products, farm supplies, or farm machinery to or from a farm;
- 3) not being used in a for-hire operation;
- 4) not carrying hazardous materials in an amount that requires placarding; AND
- 5) being used within **150 air miles** of the farm.

As used in the FMCSR, "farmer" includes a business that operates a farm. The term "for-hire" means a person engaged in transportation of property for compensation. Item # 4 would include anhydrous ammonia tanks.

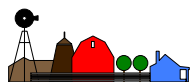
NOTE: The term "Farm Vehicle Driver" is used in several places in the Federal Motor Carrier Safety Regulations, usually providing relief from compliance with the regulations. It must be remembered, however, that to use that exception from the regulations, you must comply with ALL of the above components of the definition.

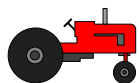
NOTE: There is no exception in State or Federal law for farm or agricultural operations from the vehicle equipment standards. Farmers must comply with Parts 392 (Driving of Motor Vehicles), 393 (Parts and Accessories), and 396 (Inspection, Repair, and Maintenance) of the Federal Motor Carrier Safety Regulations.

NOTE: The term "for-hire" can differ considerably from one act of law to another. Generally speaking, "for-hire" means a verbal or written contract to transport someone else's property for monetary compensation. For certain statutes, it may include compensation other than monetary.

General Exceptions

For intrastate transportation, Farm Vehicle Drivers are not required to comply with hours of service and log books, Part 395 of the Federal Motor Carrier Safety Regulations (MMCSA, 480.12u), provided they stay within all the provisions of the definition of "Farm Vehicle Driver" (Section 390.5), including the 150 air-mile radius of the farm. Generally, for interstate transportation farmers must comply with the hours of service requirements (Part 395).





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For intrastate transportation (MMCSA, 480.12q), Farm Vehicle Drivers are excepted from:

- Employment applications;
- Investigations and Inquiries of prospective drivers;
- Road tests;
- Medical qualifications and Medical Certificates;
- Maintenance of driver files.

For interstate transportation, single motor vehicles do not have to comply with any of the provisions of Part 391 (Qualification of Drivers). For interstate transportation of combination motor vehicles (articulated; e.g., truck tractor and semi trailer), Farm Vehicle Drivers are excepted from: maintaining list of violations; road test; employment application; investigation and inquiries on prospective drivers; and maintenance of driver files. In interstate transportation, farm vehicle drivers of combination vehicles (e.g., truck tractor and semi trailer), must have a medical certificate.

Additional exceptions are provided to farm custom operations. Part 391 (Driver Qualifications) does not apply to drivers engaged in custom-harvesting operations, if the vehicle is used to transport farm machinery, supplies to or from a farm for custom-harvesting, or to transport custom-harvested crops to storage or market. Part 391 also does not apply to beekeepers engaged in the seasonal transportation of bees.

General Regulations

Identification: For intrastate transportation, vehicles displaying valid farm or special farm plates are not required to display the company's name and address on the vehicle. For interstate transportation, if the vehicle meets the federal definition of a commercial motor vehicle, it must display the company's name and USDOT number on both sides of the vehicle. The identification must be in a contrasting color and legible from at least 50 feet.

Accident Records: Motor carriers, including farm operations, must maintain an accident register for a period of one year after an accident occurs containing the following information:

- Date of accident;
- City or town nearest the location the accident occurred, and the State;
- Driver name;
- Number of injuries;
- Number of fatalities;
- Whether hazardous materials (other than fuel from fuel tanks) was released; and
- Copies of all accident reports required by States or insurance companies.

(Note: all unintentional releases of hazardous materials must be reported on form DOT F 5800.1.)

Age of Drivers

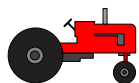
For intrastate transportation, a person 16 years or older may obtain a Group "A", Group "B", or "F" endorsement if the vehicle is used for farming purposes. (MCLA 257.312f(1)).

For intrastate transportation, a driver must be at least 18 years old when the vehicle is displaying valid farm plates and transporting hazardous materials in an amount that requires marking or placarding, provided the gross vehicle weight does not exceed 40,000 lbs. If the gross vehicle weight does exceed 40,000 lbs., and the driver is transporting hazardous materials that require placarding, the driver must be 21 years old.

For interstate transportation, when using a combination motor vehicle (articulated), a Farm Vehicle Driver must be at least 18 years old. Also, for interstate transportation, if the driver is transporting hazardous materials in an amount that requires placarding, the driver must be 21 years old.

Example: A driver of a pickup truck towing an anhydrous ammonia tank (which must be placarded) must be 18 years





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old intrastate, and 21 years old interstate.

For farm tractors, the Department of Labor has said that driving a farm tractor to school is "incidental" to farm operations. There is no minimum age requirement for an immediate family member of the owner of the farm tractor. If not an immediate family member of the owner of the farm tractor, the driver:

- Cannot operate a farm tractor (20HP and over) if under the age of 14.
- Between ages 14-16, can operate a farm tractor (20HP and over) if he/she has a 4-H or Extension Safety Certificate specifically for farm tractor operations.
- No restrictions over age 16.

The operation of ATVs on road right-of-ways is restricted to and from farm and field. Any other operation on a right-of-way (shoulder) is illegal. The ATV must be marked with a slow moving vehicle sign if it meets the definition of an implement of husbandry or must display a 100 sq. inch flag 8' above the unit.

Insurance

Part 387 applies to all farmers, interstate or intrastate, who are "hauling for hire" or anyone transporting any amount of hazardous materials. This law requires an MCS-90 form to be on file at the company's place of business.

Annual Vehicle Inspection

Farmers must comply with the annual vehicle inspection requirements in Part 396. A sticker or inspection form must be on any commercial motor vehicle (power unit and any towed unit(s)) when in operation. Persons performing the inspection must meet the qualifications specified in the regulations.

If a farmer has more than one commercial motor vehicle power unit (truck or truck tractor), the driver must complete a written post-trip inspection form at the end of each trip. This form does not have to be carried in the vehicle.

A pick-up truck towing an anhydrous ammonia nurse tank meets the definition of a commercial motor vehicle (any size vehicle that requires placards) and both units are required to have an annual inspection. Annual inspection forms or stickers must be present for all units in the combination when operated on a roadway.

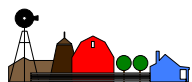
Retroreflective Tape

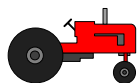
The Federal Motor Carrier Safety Regulations (FMCSR; see page 2) require trailers and semi trailers manufactured prior to December 1, 1993, to be retrofitted with retroreflective tape. The regulation applies to trailers and semi trailers with an overall width of 80" and a gross vehicle weight rating of 10,001 lbs. or more. There is no exception for implements of husbandry or nurse tanks from this requirement. Refer to Section 393.13 for the color combinations and placement locations that are permitted.

Brakes

Generally, State and Federal Regulations require brakes on all wheels for commercial motor vehicles. Brakes are not required (intrastate and interstate) on a full trailer or semi trailer having a GVWR of 3,000 lbs. or less and the weight of the towed vehicle resting on the towing vehicle does not exceed 40% of the GVWR of the towing vehicle (Section 393.42).

For intrastate transportation, brakes are not required on implements of husbandry, provided the unit does not exceed 25 mph (MVC 257.705). This is true if the unit is being towed by a pick up truck or a farm tractor.





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For interstate transportation, brakes are not required on implements of husbandry when towed by a farm tractor. If the implement of husbandry is being towed by a pick up truck, and the combination meets the definition of a commercial motor vehicle, brakes are required on all wheels. For example, a pick up truck towing an anhydrous ammonia nurse tank is a commercial motor vehicle, and requires brakes in interstate commerce. Or, a pick up truck towing a hay wagon, and the gross combination rating exceeds 10,000 lbs., is a commercial motor vehicle and requires brakes on all wheels in interstate commerce.

Surge brakes are illegal on commercial motor vehicles in interstate transportation. For intrastate transportation, surge brakes are allowed on trailers with a gross vehicle weight or gross vehicle weight rating 15,000 lbs. or less; and on "trailer-vehicle combinations" with an actual gross weight or a gross weight rating of 26,000 lbs. or less.

Hitches/Safety Chains/Pulling Trailers

Michigan restricts the number of trailers that may be towed and sets standards for the connecting devices. Michigan permits certain vehicles to tow two trailers, and requires those trailers to employ fifth wheel mechanisms. There are

three exceptions to the 5th wheel requirement: The recreational combination (pick up truck, camper, and boat trailer); a certain type of garbage truck and trailers combination; and the farm tractor and two wagons combination. **A pick up truck or straight truck may tow only one farm wagon or nurse tank, regardless of the type of connecting device.**

For vehicles meeting the definition of a commercial motor vehicle (interstate and intrastate), the Federal Motor Carrier Safety Regulations require the use of two safety chains, one on each side, or one chain in a bridle arrangement. Chains must have an ultimate strength of not less than the actual gross weight of the trailer being towed.

For intrastate transportation, vehicles that do not meet the definition of a commercial motor vehicle (under 10,000 lbs. combination gross weight), are required to have two safety chains, one on each side. However, for an implement of husbandry with a GVWR (combination or single) of 10,000 lbs. or less, the single bridle chain may be used.

Commercial Drivers Licenses (CDLs)

Farmers have some unique exceptions to the CDL standard. First we will discuss the normal CDL requirements, then we will cover the farmer exceptions.

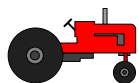
Normal CDL Requirements

- A single vehicle with a gross vehicle weight rating (not actual) of 26,001 or more pounds, with or without a trailer under 10,000 lbs. gross vehicle weight rating (GVWR);
- A combination vehicle with a gross weight rating of 26,001 or more pounds that includes a trailer that has a gross weight rating of more than 10,000 lbs.;
- A vehicle that is designed to transport 16 or more passengers, including the driver; or
- A vehicle of any size (including passenger cars) transporting hazardous materials in an amount that requires placarding.

Drug and Alcohol Testing

Drivers operating a vehicle that requires a CDL must comply with the drug and alcohol testing requirements (Part 40 and Part 382 of the Federal Motor Carrier Safety Regulations). The "F" endorsement is a Michigan exception to the CDL requirements that has been recognized by USDOT. As such, the "F" endorsement does not require drug and alcohol testing.





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Having a CDL does not necessarily mandate the individual be in a drug and alcohol testing program. An individual can hold a CDL for years without being in a drug and alcohol testing program. However, when the individual operates a vehicle that requires a CDL (not the "F" endorsement), then the individual must be in a drug and alcohol testing program. For more information about the drug and alcohol testing requirements, contact one of the organizations listed under "Sources."

Farmer Exceptions to CDL Requirements

The following farm vehicles, for intrastate transportation, do not require CDLs:

- A single vehicle, regardless of gross weight rating;
- A combination vehicle, provided that the power unit has a gross weight rating of less than 26,000 lbs.

HOWEVER, to use the above two exceptions, the vehicle must:

- Be controlled and operated (not necessarily owned) by the farmer, their employee, or their family member;
- Be used to transport agricultural products, farm machinery, farm supplies, or a combination of these items to and from a farm;
- Not be used for hire; and
- Be operated within 150 miles of the farm.

The term "farmer" includes businesses that operate farms and their employees.

"F" Endorsement

To operate a combination of vehicles with a power unit that exceeds 26,000 lbs., a farmer must obtain the "F" endorsement. To use the "F" endorsement, however, the farmer must comply with the same four bullets listed above.

Farmers MUST have a CDL (not the "F" endorsement) when:

- They transport hazardous materials in an amount requiring placarding in a vehicle with a gross vehicle weight rating of 26,001 lbs. or more, or a combination vehicle with a power unit that has a gross vehicle weight rating of 26,001 lbs. or more;
- They transport any commodity for hire (paid compensation; does not include in-kind labor); or
- They transport any commodity outside a 150-mile radius from the farm.

Seasonal Restricted License

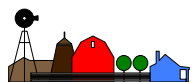
Seasonal Restricted Licenses for Group B or C vehicles are issued from April 2 to June 30 and from September 2 to November 30, OR for not more than 180 days from the date of issue in a 12-month period. The Seasonal Restricted License is only valid on routes 150 miles from the place of business to the farm or farms being served, and may not transport hazardous materials for which placards are required except for:

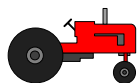
- Diesel fuel in quantities of 1,000 gallons or less;
- Liquid fertilizers in quantities of 3,000 gallons or less;
- Solid fertilizers that are not transported with any organic substance (e.g., seed, corn, soybeans, etc.)

The Seasonal Restricted License is not valid for any vehicle that requires an H, N, P, T, or X endorsement.

Chauffeur License

The Chauffeur license is a Michigan-specific requirement. It does not apply to farmers or their employees when operating vehicles exclusively in connection with the farming operation (MVC 257.6(3)(a)). Generally speaking, for registration and license purposes, Christmas tree growing operations are farms.





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TRAFFIC REGULATIONS

Traffic regulations vary from state to state. This is a discussion of some of the regulations that apply to farmers and agricultural operations. These regulations are from the Michigan Vehicle Code. **It must be remembered that, although the Michigan Vehicle Code and the Federal Motor Carrier Safety Regulations often use the same terms, they may have different definitions for those terms.**

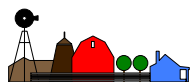
Implements of Husbandry

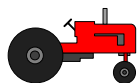
An "Implement of Husbandry" is defined as a vehicle which is either a farm tractor, a vehicle designed to be drawn by a farm tractor or an animal, a vehicle which directly harvests farm products, or a vehicle which directly applies fertilizer, spray, or seeds to a farm field (MVC 257.21). See Appendix A at the end of this document for an in-depth discussion of this term.

A "Farm Tractor" is defined as every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry (MVC 257.16).

"Special Mobile Equipment" is defined as every vehicle not designed or used primarily for transportation of persons or property and incidentally operated or moved over the highways, including farm tractors (MVC 257.62).

- A driver's license is not required for the operation of an implement of husbandry (MVC 257.302(b)).
- A license plate is not required on any implement of husbandry (MVC 257.216).
- Posted weight limitations on public bridges, causeways, or viaducts do not apply to implements of husbandry being used for a function essential to a farm operation otherwise reasonably inaccessible to vehicles performing the essential agricultural function (MVC 257.631(2)(a)(b)).
- Self-propelled farm implements must not be operated on freeways or limited access highways (MVC 257.679a(1)).
- An implement of husbandry must be operated so as to minimize the interruption of traffic flow (MVC 257.717(2)).
- Implements of husbandry and farm tractors require at least 1 lighted white light, visible from a distance of 500 feet, on the front of the vehicle and one red light to the rear of the vehicle, visible from a distance of 300 feet, at any time from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead (MVC 257.684(a), 257.695).
- Slow Moving Vehicle (SMV) emblems and additional reflectors are required on any implement of husbandry, farm tractor, and special mobile equipment. It is also required on every vehicle that has a maximum speed potential of 25 miles an hour operated on public highways. The use of the SMV emblem is limited to the vehicles described in this section and the use on any other vehicle or stationary object is prohibited (MVC 257.688(g)). This section does not mean that all vehicles with an SMV sign are limited to a speed of 25 mph. Each vehicle stands separately: ANY implement of husbandry; ANY farm tractor; ANY special mobile equipment; or ANY vehicle with a maximum speed of 25 mph. It is possible for a vehicle to have license plates and display the SMV sign. There is no requirement to cover SMV signs when being transported on a trailer.
- A vehicle towing an implement of husbandry or an implement of husbandry may be equipped with flashing, rotating, or oscillating amber lights. Amber is the only color permitted for this application (MVC 257.698(f)).
- A farm tractor or other implement of husbandry does not need to be equipped with a windshield (MVC 257.708a).
- The provisions governing size, weight, and load do not apply to an implement of husbandry incidentally moved





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upon a highway (MVC 257.716(2) and 257.631(2)).

- An implement of husbandry must be operated to the right of the center of the roadway; when approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within a distance as to create a hazard in the event another vehicle might approach from the opposite direction; when the view is obstructed upon approaching within 100 feet of a bridge, viaduct, or tunnel; and from a half hour after sunset to a half hour before sunrise or any time visibility is substantially diminished due to weather conditions (MVC 257.639, 257.717(2)).
- Crawler or track-type tractors with metal or plastic tread (not rubber) must not be operated on roads unless owner has a special permit from state highway commissioner, county road commission or other authority having jurisdiction (MVC 257.725(3) and 257.710).
- A person operating an implement of husbandry shall follow all traffic regulations (MVC 257.717(2)).
- The bumper and suspension system requirements do not apply to implements of husbandry (MVC 257.710c).
- Drinking and driving laws apply to implements of husbandry (MVC 257.625).
- A person cannot block, obstruct or interfere with traffic on a roadway with a vehicle, object, device, or their person. This includes dirt, mud, etc. coming off of tires and vehicles that makes travel difficult or dangerous (MVC 257.676b).
- There is no exception in Federal law from seat belts for implements of husbandry manufactured after 1976.

Tarping and Spilling

A person operating a vehicle to transport agricultural commodities is not required to cover the load (MVC 257.720). In addition, the movement of sand, gravel, and dirt in a farm truck or implement of husbandry in the normal operation of a farm does not require a tarp.

A person operating a vehicle transporting agricultural commodities shall not spill (MVC 257.720). Due to changes in the Federal Motor Carrier Safety Regulations (FMCSR), it is NOT acceptable to use a secured tarp or canvas to secure sod.

The Federal Motor Carrier Safety Regulations (FMCSR) also specify requirements for cargo securement. The regulations are commodity-specific. Refer to Part 393, Sections 393.100-136 for specific requirements.

Registration Requirements:

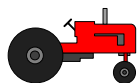
Farm Plates

Farm plates must be used exclusively in connection with the farm or for the transportation of the farmer and the farmer's family (MVC 257.801(c)). The Farm plate may not be used for hire. A farmer may loan his farm-plated vehicle to another farmer for use in that farmer's farming operation, and not used for hire. A farm plate may be used by a farmer hauling livestock or farm equipment for other farmers for remuneration in kind or in labor, but not for money. Generally speaking, for registration and license purposes, Christmas tree growing operations are farms.

Log Plates

Log plates must be used exclusively in connection with logging operation (MVC 257.801(d)). A "wood harvester" includes a person(s) hauling and transporting raw materials in the form produced at the harvest site. A wood harvester may transport logging equipment on a log plate. A log plate may be used for for-hire operations. "Wood harvesting" does not include the transportation of processed lumber, Christmas trees, or processed firewood for a profit-making venture.





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Milk Plates

Milk plates must be used exclusively to haul milk from the farm to the first point of delivery (MVC 257.801(d)). Milk plates may be used for for-hire operations.

Special Farm Plates

Special Farm Plates must be used exclusively for:

- The purpose of gratuitously transporting farm crops or livestock bedding (straw, sawdust, or sand) between the field where produced and the place of storage;
- Feed (hay or silage) from on-farm storage to an on-farm feeding site; or fertilizer, seed or spray material from the farm location to the field.
- These plates may also be used for transporting crops from the field to a grain elevator (SOS ruling).

These plates cannot be used in transportation for hire ("custom harvesting work") or to transport general supplies.

Other Registration Requirements

Unless using a farm plate, the following commercial motor vehicles must have Elected Gross Vehicle Weight (EGVW) plates:

- Trucks over 8,000 lbs. (empty);
- Pickup trucks over 5,000 lbs. registered weight towing a trailer of any size;
- Trucks of any size pulling a trailer of any size;
- Road tractors and truck tractors.

Size and Weight Laws

Because of its complexity, the entire weight law will not be discussed here. However, there are some provisions specific to agricultural operations. Weight laws do not apply to implements of husbandry (MVC 257.716(2) and 257.631(2)), if it is moved incidentally on the highway.

Note: Act 420 of 2004 was passed into law in November 2004. It made several changes to Michigan's weight law, including reducing the fine structure for "misload" citations and making certain provisions for lift axles. However, it does not take effect until January 1, 2006. A thorough discussion of this act will be included in the 2006 Farmer's Transportation Guidebook.

"Agricultural Commodity" Defined

This definition only applies to the weight law. Section 257.722(12) defines an agricultural commodity as "...those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, mushrooms, fertilizer, livestock bedding, farming equipment, and fuel for agricultural use. The term "agricultural commodities" shall not include trees and timber."

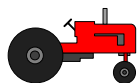
"Frost Law" Exception

During reduced loading (or "Frost Law") on local roads (not state highways), a person transporting agricultural commodities may obtain a permit from the county road commission to run normal loading weights. This permit must be applied for not less than 48 hours prior to the movement. The permit must contain the route, date/time, and maximum speed.

Five-axle Truck Tractor-Semi Trailer Combination (Agricultural Commodities ONLY)

A five axle truck tractor –semi trailer combination having two consecutive sets of tandems (a "tandem-tandem") may operate at a gross weight of 17,000 lbs. for each axle of the tandem provided there is no other axle within 9 feet of any axle of the tandem axles. The first and last axles of the consecutive sets of tandems must be at least 36 feet apart and the gross vehicle weight cannot exceed 80,000 lbs. This subsection of law expires December 31, 2006.





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Size Laws

Section 257.716(2) exempts implements of husbandry (not all farm vehicles) from the height, width, and length laws. However, Section 257.717 restricts the exemption from width. An implement of husbandry cannot be operated left of the center line without a permit (from MDOT or the county road commission). The exemption from width only applies to implements moved incidentally on the roadway. Implements moved on a trailer that are overwidth must have a permit. Implements of husbandry must be operated in a manner to minimize the interruption of traffic flow. Implements of husbandry loaded on trailers or semi trailers must obtain a permit if it exceeds the height, width, and length laws. There is no requirement to remove the tires on an implement of husbandry on a trailer when operating under a permit.

Projecting Loads

No vehicle may have a load or equipment that projects more than 3' to the front. No vehicle may have a load or equipment that extends more than 4' to the rear without having a flag during daylight hours or a red light when vehicle headlights are required.

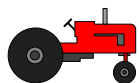
Fuel Tax Permits

Road tractors, trucks, or truck tractors owned by farmers and used in connection with the farming operation and not used for hire are excepted from the fuel tax permit requirement, regardless of whether the vehicle is displaying farm plates or commercial plates.

Dyed Diesel Fuel

It is illegal to operate a motor vehicle on a public roadway with dyed diesel fuel (MCLA 207.1122). Implements of husbandry (not all farm vehicles) are exempt from this prohibition.





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FEDERAL HAZARDOUS MATERIALS REGULATIONS (FHMR)

The FHMR is found in Title 49, Code of Federal Regulations (CFR 49), Parts 100-180. It applies to all transportation in commerce, including farmers and agricultural retail operations. Michigan has adopted the FHMR into state law by reference, with the exception of Section 173.8 (nonspecification packages for flammable liquids).

The regulations are too complex and lengthy to discuss here in detail. Below are the basic components that are involved in hazardous materials transportation. There are exceptions within various components:

- Registration with USDOT (107.600)
- Training Requirements (172.700)
- Shipping Papers (172.200)
- Marking (172.300)
- Labeling (172.400)
- Placarding (172.500)
- Emergency Response Information and Telephone Number (172.600)
- Specification Packages (Part 178)
- Testing and Inspections of Cargo Tanks (180.400)

Agricultural Operations (Section 173.5)

Section 173.5 of the Federal Hazardous Materials Regulations (FHMR), adopted into state law on September 30, 1998, provides relief for farmers transporting certain hazardous materials.

"Farmer" is defined in §171.8 as "...a person engaged in the production or raising of crops, poultry, or livestock. "Agricultural product" is defined as "...a hazardous material, other than a hazardous waste, whose end use directly supports the production of an agricultural commodity including, but not limited to a fertilizer, pesticide, soil amendment or fuel. An agricultural product is limited to a material in Class 3, 8, or 9, Division 2.1, 2.2, 5.1, or 6.1, or an ORM-D material."

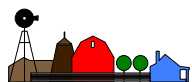
Note that there are a number of restrictions in those two definitions. Agricultural products must **directly** support the farm, and excluded are hazardous wastes, and Classes/Divisions 1 (explosives), 2.3 (poison gases), 4 (flammable solids), 5.2 (organic peroxides), 6.2 (infectious substances), and 7 (radioactives).

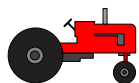
Between Fields of the Same Farm

This exception for farmers applies to any agricultural product (see above) except Class 2 (e.g., anhydrous ammonia nurse tanks) that is transported "over local roads between fields of the same farm". It must be transported by a farmer (see above) who is an intrastate private motor carrier.

If all of the above provisions are met, the farmer does not have to comply with any of the provisions of the FHMR. For example, taking a tank of gasoline over local roads to run farm equipment on your own fields is excepted from all of the hazardous materials regulations. **This exception does not include driving into town to pick up supplies, or other farm-related functions. It is strictly from the farm to the field and between fields.**

This means that any *agricultural product* (e.g., pesticides, diesel fuel or gasoline) transported by a *farmer over local roads* between fields of the same farm *for farm use* is completely out of the regulations. Packages still have to be secured in the vehicle and must be free of leaks. Vehicles still have to comply with the Federal Motor Carrier Safety Regulations (FMCSR) and the Michigan Vehicle Code.





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Within 150 Miles of the Farm

This second exception for farmers applies to any agricultural product transported to or from a farm, **within 150 miles** of the farm. It must be transported by a farmer who is an intrastate private motor carrier.

The **only** exceptions in this provision, however, is Emergency Response Information and Telephone Number (Part 172, Subpart G, 172.600) and Training (Part 172, Subpart H, 172.700); as well as specification packaging. **All other requirements (e.g., shipping papers, markings, labels, placards, etc.) still apply.**

In addition, this provision has some quantity limitations. One vehicle may not exceed a total of:

- 7,300 kg (16,094 lbs.) of ammonium nitrate fertilizer, Division 5.1, PG III in a bulk packaging; or
- 1900 L (502 gallons) for liquids or gases, or 2,300 kg (5,070 lbs.) for solids, of any other agricultural product.

A vehicle may have a combination of these products on as long as each amount is not exceeded. For example, one vehicle may have a 300-gallon tote of a liquid pesticide, 2,000 lbs. of a solid pesticide, and 5,000 lbs. of ammonium nitrate fertilizer and still employ this provision.

If any of these amounts are exceeded, or the 150 miles is exceeded, then all of the FHMR applies and the movement must be in full compliance with the regulations. There are other exceptions to the regulations for operations that do not comply with Section 173.5, such as Materials of the Trade (MOTs; 173.6). Refer to the FHMR for details.

Anyone using the provisions of this section must be instructed in the applicable requirements of the FHMR.

Dispensing Tanks

Agricultural and construction operations often use dispensing tanks in the back of pick up trucks for gasoline and diesel fuel. There are some restrictions with their use. The requirements discussed here, however, do not apply to a vehicle that is eligible for and complying with the provisions of Section 173.5, Agricultural Operations (above).

Gasoline in a package with a capacity of more than 8 gallons (see 173.6, Materials of Trade) must be in a USDOT specification container. Most dispensing tanks purchased at local supply stores DO NOT meet this specification. The use of non-USDOT specification tanks for gasoline is illegal.

Dispensing tanks may be used for diesel fuel with no restriction provided the capacity of the tank does not exceed 119 gallons (450 liters).

Diesel fuel or gasoline in a tank with a capacity of 119 gallons or more is required to have shipping papers, markings, and placards. Whenever placards are required, a HM endorsement is necessary.

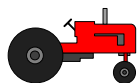
Nurse Tanks

Nurse tanks used to transport anhydrous ammonia may NOT use aluminum pressure relief valves. Anhydrous ammonia attacks and corrodes aluminum, and the valve may discharge suddenly and improperly. Owners of nurse tanks should inspect their tanks to ensure that aluminum safety devices are not present.

Nurse tanks do not have to have brakes in intrastate transportation. For interstate transportation, a pick up truck towing a nurse tank meets the federal definition of a commercial motor vehicle and it must comply with the brake requirements found in the FMCSR.

Nurse tanks may not be loaded to a filling density greater than 56%. Filling density is NOT the same as volume. The tank must be secured to a farm wagon and have a capacity of no more than 3,000 gallons. The tank must be painted





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white or aluminum.

The tank must be marked with the proper shipping name (anhydrous ammonia) on all four sides; the identification number (1005) on the placards or orange panels on all four sides; the words "Inhalation Hazard" on two opposing sides; and 2.2 (nonflammable gas) placards on all four sides. There is an exception to having a placard on the end of a nurse tank that is equipped with valves, fittings, regulators, or gauges that prevent the placement of the placard.

Safety chains, a Slow Moving Vehicle sign, and retroreflective tape are required. A pick up truck may only tow one nurse tank; a farm tractor may tow two nurse tanks.

Security Plan

For farmers not exempted under the Agricultural Operations provision discussed above, a security plan must be developed for certain hazardous materials. Refer to Section 172.800 for specific requirements.

EMERGENCY CONTACTS

Certain hazardous materials transportation incidents that occur on a public roadway must be reported to the Michigan State Police Motor Carrier Division. A MCD Hazardous Materials Investigator can be contacted 24 hours a day by calling the **Operations Desk at 517-336-6604**.

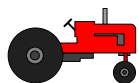
DEQ Pollution Emergency Alerting System (PEAS), 24 hours 800-292-4706

MDA Agriculture Pollution Emergency Hotline, 24 hours 800-405-0101

Comments or suggested changes to this Guidebook should be sent to:

Lt. David W. Ford
Michigan State Police Motor Carrier Division
4000 Collins Road
Lansing, MI 48910





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APPENDIX A IMPLEMENTS OF HUSBANDRY DEFINED

The most important questions to consider when determining if a vehicle is an implement is “How is it being used?”

Is it being used for anything listed in the definition of an implement of husbandry? An implement of husbandry is defined in the Michigan Motor Vehicle Code (257.21) as:

- A farm tractor;
- A vehicle designed to be drawn by a farm tractor or animal;
- A vehicle which directly harvests farm products; or
- A vehicle which directly applies fertilizer, spray, seeds to a farm field.

Note the second bullet uses the word “designed,” meaning the original design must have intended the vehicle to be drawn by a farm tractor or animal. Also note the last two bullets use the word “directly,” but not “designed.” It's also important to realize that a farm tractor is always an implement of husbandry, by definition.

A vehicle can be both an implement of husbandry and a motor vehicle, but not at the same time. It's either being used as a vehicle, or it's being used as an implement of husbandry. Many implements are built on truck frames, and some even retain the truck cab. Some even can be dual use vehicles.

For example, a dump truck can be fitted with a spreader. When traveling to and from a farm field to use as a spreader, the vehicle is an implement of husbandry. When traveling to and from a farm to just dump lime in a corner of the field to be spread later by another device, then the vehicle is a dump truck.

Other examples include hay wagons and gravity boxes. If a hay wagon is used to gather product and then transport it to the barn, it's an implement (“directly harvests farm products”). If a hay wagon is transporting stored product from a barn to an elevator by a pickup truck, it's a trailer. The same would apply to a gravity box.

The problem that occurs is when the vehicle is being transported empty between locations or transported in the off-season for storage, service, or winterizing. Provided that the driver can explain that the vehicle is being moved only for storage, etc., the vehicle does not lose its implement of husbandry designation. Using these vehicles to pick up supplies or transporting materials outside of the above listed bullets would require license plates.

Additionally, if an implement of husbandry is towing a trailer, the trailer is also generally considered to be an implement of husbandry. Again, the final determination depends upon how it is being used at the time.

Another issue to keep in mind is the size and weight laws. Implements of husbandry are exempt from size and weight (257.716(2)), but when operated as a vehicle requiring registration, compliance with the size and weight laws are mandatory.

Any vehicle that is being used – at the time – to directly harvest product or apply material can be an implement of husbandry. If it does not meet one of the above bullets – at the time a police officer encounters it – then it is a motor vehicle.

The officer is going to ask how it is being used and what it is being used for. If the driver indicates it is being used as an implement of husbandry, it will be subject to all of those requirements, including an SMV sign and retroreflective tape (see **“TRAFFIC REGULATIONS”**). If it's being used as a motor vehicle, it must comply with all the laws applicable to motor vehicles.

